

Senate File 2235 - Reprinted

SENATE FILE 2235
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2125)

(As Amended and Passed by the Senate February 23, 2010)

A BILL FOR

1 An Act requiring provision of deliverable fuels to customers
2 under specified circumstances, providing penalties, and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216A.105 Deliverable fuels —
2 mandatory delivery — penalties and remedies.

3 1. A deliverable fuel vendor engaged in the business of
4 providing deliverable fuel to customers in this state shall
5 not withhold the sale or delivery of deliverable fuel to a
6 customer from November 1 through April 1 annually if either of
7 the following apply:

8 a. The customer makes a prepaid cash payment in an amount
9 corresponding to the vendor's stated cash price of that day for
10 two hundred fifty gallons of deliverable fuel.

11 b. The customer is certified as eligible for the federal
12 low-income home energy assistance program.

13 2. A deliverable fuel vendor is not prohibited from
14 withholding the sale or delivery of deliverable fuel to
15 a customer who is certified as eligible for the federal
16 low-income home energy assistance program and has received the
17 maximum amount of annual assistance pursuant to the program,
18 or who cannot make a prepaid cash payment for deliverable fuel
19 pursuant to subsection 1, paragraph "a".

20 3. A deliverable fuel vendor providing deliverable fuel to
21 a customer described in subsection 1, paragraph "a", may apply
22 up to twenty-five percent of the cash payment toward any unpaid
23 balance owed to the deliverable fuel vendor. In the event that
24 a payment arrangement is entered into between a deliverable
25 fuel vendor and a customer described in subsection 1, paragraph
26 "a", and the customer misses three payments pursuant to the
27 arrangement within a one-year period or within the time
28 period during which the arrangement is in effect, the vendor
29 may require payment of all past due payments in full before
30 making a delivery pursuant to this section. In the event that
31 an unpaid balance is owed by a customer who is certified as
32 eligible for the federal low-income home energy assistance
33 program, the division shall offer assistance in facilitating
34 a payment arrangement.

35 4. a. A customer shall be responsible for the reasonable

1 cost of system safety checks conducted by a deliverable fuel
2 vendor, unless the customer is certified as eligible for the
3 federal low-income home energy assistance program and the cost
4 is paid for with program funds. System safety check payments
5 shall be in addition to, and shall not reduce, the cash payment
6 otherwise available for deliverable fuel sale or delivery
7 pursuant to subsection 1, paragraph "a". A deliverable fuel
8 vendor of propane conducting a system safety check shall inform
9 customers certified as eligible for the low-income home energy
10 assistance program of the existence of programs and projects
11 developed by the Iowa propane education and research council
12 to provide assistance to persons certified as eligible for the
13 program, if applicable based upon the results of the safety
14 check. A deliverable fuel vendor shall not be required to make
15 or complete a delivery of deliverable fuel if a system safety
16 check reveals mechanical problems or defects with the system
17 which constitute a safety hazard or concern.

18 *b.* A customer shall be responsible for the reasonable
19 cost of delivering the deliverable fuel to the customer, as
20 determined by the deliverable fuel vendor, unless the customer
21 is certified as eligible for the federal low-income home energy
22 assistance program and the cost is paid for with program
23 funds. Delivery fees or charges shall be in addition to, and
24 shall not reduce, the cash payment otherwise available for the
25 deliverable fuel sale or delivery pursuant to subsection 1,
26 paragraph "a".

27 5. A violation of this section is an unlawful practice
28 pursuant to section 714.16 and a prohibited practice pursuant
29 to chapter 714H.

30 6. For the purposes of this section, unless the context
31 otherwise requires:

32 *a.* "*Customer*" means an existing customer of a deliverable
33 fuel vendor or a prospective customer who submits an
34 application or otherwise applies for the purchase or delivery
35 of deliverable fuel from a deliverable fuel vendor serving the

1 general geographic area or vicinity where the fuel will be
2 delivered.

3 *b. "Deliverable fuel"* means propane or any other heating
4 fuel sold or delivered in this state for home heating purposes.

5 *c. "Deliverable fuel vendor"* means a retail propane marketer
6 or a retail dispenser or marketer of a deliverable fuel other
7 than propane for home heating purposes.

8 *d. "Propane"* and *"retail propane marketer"* mean the same as
9 defined in section 101C.2.